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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 EVERETT L. McCOY,

11 Plaintiff,

No. CIV S-01-1218 DFL GGH P

12 vs.

13 CAL. A. TERHUNE, et al.,

14 Defendants.

ORDER

15 _____/
16 On December 12, 2005, the Magistrate Judge issued an order denying plaintiff's
17 November 10, 2005, motion for the appointment of counsel and October 21, 2005, request to stay
18 proceedings, construed as a request pursuant to Fed. R. Civ. P. 56(f).

19 On December 27, 2005, plaintiff filed a request for an extension of time to file a
20 request for reconsideration of this order. On January 19, 2006, the court granted plaintiff's
21 request for extension of time. On January 25, 2006, plaintiff filed his request for reconsideration.

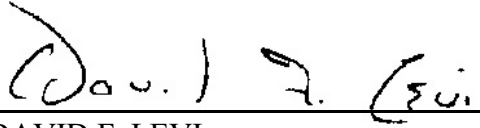
22 Pursuant to E.D. Local Rule 72-303(f), a magistrate judge's orders shall be upheld
23 unless "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that
24 it does not appear that the magistrate judge's ruling was clearly erroneous or contrary to law.

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1 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the
2 magistrate judge filed December 12, 2005, is affirmed.

3 DATED: 8/4/2006

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7 DAVID F. LEVI
8 United States District Judge
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